

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

GUSTAVO ROMANELLO)
ACELA ROMANELLO,)
)
PLAINTIFFS,)
)
VS.)
)
BANKUNITED, INC., TRUSTEE)
SERVICES OF CAROLINA, LLC,)
BROCK & SCOTT, PLLC, RAGSDALE)
LIGGETT, PLLC, ASHLEY H.)
CAMPBELL,)
)
DEFENDANTS.)

NO. 5:12-CV-00371-FL

**DEFENDANTS BROCK & SCOTT, PLLC AND TRUSTEE SERVICES OF CAROLINA,
LLCS' OBJECTION TO PLAINTIFFS' RESPONSE IN OPPOSITION TO BROCK AND
SCOTT, PLLC'S AND TRUSTEE SERVICES OF CAROLINA, LLC'S MOTION TO
DISMISS SECOND AMENDED COMPLAINT**

COME NOW Defendants Brock & Scott, PLLC ("B&S") and Trustee Services of Carolina, LLC ("TSC") (B&S and TSC collectively referred to as "Defendants"), by and through their undersigned counsel, and hereby object to Plaintiffs' recently filed "Response in Opposition to Defendants Brock and Scott, PLLC and Trustee Services of Carolina, LLC Motion to Dismiss 2nd Am. Compl." (hereinafter the "Response").

In accordance with Local Rule 7.1(e)(1) responses to motions and accompanying documents shall be filed within twenty-one (21) days after service of the motion in question unless otherwise ordered by the Court. E.D.N.C. R 7.1.

In the instant case the Clerk filed a letter with the Court, addressed to the Plaintiffs that stated that the Plaintiffs had to file any opposition to the Motion to Dismiss on or before

September 3, 2013. This letter enumerated the required deadline for filing a response; said date was correctly calculated according to the local rules.

Plaintiffs' Response was not filed with the Court until September 5, 2013. A request for an extension of time was not entered prior to the deadline of September 3, 2013. Where Plaintiffs' response was not timely filed, Defendants respectfully request this Court strike the Response filed by Plaintiffs, and in the event should the Court decline to strike the same, that it disregard the arguments contained therein.

WHEREFORE, Defendants pray this Court to strike Plaintiffs' Response, or alternatively, that this Court disregard said Response, and additionally GRANT their Motion to Dismiss Plaintiffs' Second Amended Complaint.

Respectfully submitted this 11th day of September, 2013.

BROCK & SCOTT, PLLC

BY: /s/ Marc S. Asbill
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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2013, a copy of the foregoing pleading, with any and all attachments, was filed electronically with the clerk of court via ECF and served via First-Class Mail, postage prepaid, addressed to:

Gustavo Romanello Acela Romanello 5317 Cottage Bluff Ln. Knightdale, NC 27545	Barbara B. Weyher Sean T. Partrick Yates, McLamb & Weyher, LLP P. O. Box 2889 Raleigh, NC 27602-2889 Attorney for BankUnited, Inc.
Robert S. Shields , Jr. Jonathan Whitfield Gibson Manning Fulton & Skinner, P.A. P. O. Box 20389 Raleigh, NC 27619 Attorney for Ragsdale Liggett, PLLC and Ashley H. Campbell	

BROCK & SCOTT, PLLC

BY: /s/ Marc S. Asbill
Marc S. Asbill